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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

The situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 65/226, in which the Assembly requested the Secretary-General to submit a report to it at its sixty-sixth session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of resolution 65/226, including recommendations to improve its implementation. In that resolution, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/65/370) and the specific calls to action found in previous resolutions of the Assembly (resolutions 63/191, 62/168 and 64/176), and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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I. Introduction

1. The present report on the situation of human rights in the Islamic Republic of Iran is submitted pursuant to General Assembly resolution 65/226, in which the Assembly requested the Secretary-General to report to it at its sixty-sixth session and to submit an interim report to the Human Rights Council at its sixteenth session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of the resolution. The report also draws upon observations made by treaty monitoring bodies and the special procedures of the Human Rights Council.

2. Since the previous report of the Secretary-General (A/65/370), human rights violations have continued to be committed in the Islamic Republic of Iran. Such violations have continued and intensified, particularly in the case of human rights defenders, women's rights activists, journalists and Government opponents. Concerns about torture, amputations, arbitrary detention and unfair trials continue to be raised by United Nations human rights mechanisms. There was a noticeable increase in the application of the death penalty, including in public, since the beginning of 2011. The execution of political prisoners and juvenile offenders was also reported. Freedom of expression and assembly remained curtailed. Discrimination persisted against minority groups and in some cases amounted to persecution. In March 2011, the Human Rights Council scrutinized the human rights situation in the Islamic Republic of Iran and adopted a resolution establishing a new special procedure country mandate on the situation of human rights in the Islamic Republic of Iran (resolution 16/9).

3. There were, however, some positive developments, including the signing by the Islamic Republic of Iran of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2010; its appearance before the Committee on the Elimination of Racial Discrimination, in August 2010; and the conduct of a judicial colloquium together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), in December 2010.

4. As noted in the Secretary-General's interim report to the Human Rights Council (A/HRC/16/75), the Secretary-General met with the Secretary-General of the High Council for Human Rights of Iran, Mohammad Javad Larijani, on 19 November 2010, in New York. The Secretary-General raised several human rights issues, such as constraints on human rights defenders, the death penalty, including for juveniles, and concerns related to minority rights. Mr. Larijani conveyed that the Islamic Republic of Iran appreciated the general cooperation with the United Nations but deplored the recent General Assembly resolution on the situation of human rights in the Islamic Republic of Iran.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputation

5. Despite a constitutional prohibition on the use of all forms of torture for the purpose of extracting confession or acquiring information, reports continue to be

received about torture and cruel, inhuman or degrading treatment taking place in various places of detention. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has sent a large number of communications to the Iranian authorities concerning serious allegations he had received, including 19 joint communications in 2010. On 1 March 2011, in an addendum to the report to the Human Rights Council (A/HRC/16/52/Add.1), the Special Rapporteur noted with concern the various commonly applied methods of ill-treatment, including beatings, stress positions, the denial of medical attention and prolonged solitary confinement. He noted that such ill-treatment affected mainly human rights defenders, journalists, social activists, political activists, religious groups and individuals associated with various minority groups.

6. On 23 September 2010, a number of special procedures mandate holders,[1] in a joint communication, drew the attention of authorities to the case of Abdullah Momeni, member and spokesperson of the Central Council of the Alumni Organization of University Students of the Islamic Republic of Iran (Sazeman-e-Danesh Amookhtegan-e-Iran-e-Islami-Advar-e-Tahkim-e-Vahdat), who reportedly had been subjected to various forms of ill-treatment and torture since his arrest in 2009. According to information received, Mr. Momeni was subjected to beatings, punches and kicks, upon arrest and throughout his interrogation. He was also threatened with execution and rape and forced to stand on one foot for long periods of time. In their comments on the report, the Iranian authorities dispute that Mr. Momeni was subjected to illegal action.

7. Recurring cases of amputation and corporal punishment such as flogging remain a serious cause of concern, justified by the authorities as Islamic punishments. During the reporting period, the Iranian media published a number of reports regarding the application of amputation and flogging. On 16 March 2011, in connection with an amputation case in Khurasan Rizvi, the Deputy Head of the Judiciary stressed that the amputation of limbs is part of the punishment to be meted out to particular offenders.[2] On 13 January 2011, the Public Prosecutor of Mashhad also announced that the amputation of the limbs of two thieves would be carried out.[3]

8. On 20 October 2010, four persons accused of disturbing public order and security were publicly given 74 lashes each in the city Gunbadkaous.[4] On 1 March 2011, a man accused of theft was publicly punished with 70 lashes at Imam Khomeini square in the city of Lamrad.[5] On 6 June 2011, the Appeals Court in Tehran sentenced the former Chief Executive Director and Deputy Head of Industry and Manufacturing of the Dokhaniat Company to both a financial penalty and

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[1] The Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the independence of judges and lawyers.

[2] Semi-official news (Iranian Students' News Agency (ISNA)), 16 March 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1735739.

[3] Semi-official news (Islamic Republic News Agency (IRNA)), 13 January 2011. Available from www.irna.ir/NewsShow.aspx?NID=30185574.

[4] Semi-official news *Kayhan*, 20 October 2010. Available from www.kayhannews.ir/890728/15.htm#other1507.

[5] Semi-official news (ISNA), 1 March 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1725542.

74 lashes on charges of fraud and misuse of Government funds.[6] On 1 June 2011, the Secretary-General of the High Council for Human Rights of Iran was quoted by the Iranian media as stating that flogging is not torture but rather a punishment and a penalty.[7]

9. A sentence issued by the Iranian judiciary for an offender to be blinded by acid received widespread international attention. Majid Movahedi attacked Ameneh Bahrami with acid in 2004 after she had turned down his marriage proposal, leaving her blind and disfigured. In 2008, a court ordered Mr. Movahedi to be blinded by placing five drops of acid in each of his eyes. The implementation of the sentence was scheduled for 14 May 2011, but was postponed, on the grounds that the medical condition for the execution of the sentence was not provided.[8] The Iranian authorities reported that Ms. Bahrami ultimately pardoned her attacker and withdrew her request for retaliation.

B. Death penalty including public executions

10. There has been no change in the application of the death penalty since the Secretary-General's interim report to the Human Rights Council in March 2011. The spike in executions, including in public, has continued with a large number of executions, particularly in drug-related cases. According to Amnesty International, in addition to the officially acknowledged 252 executions in 2010, reports of more than 300 other secret executions are alleged to have been carried out, mostly in Vakilabad Prison in Mashhad. According to official sources, some 140 executions occurred from 1 January to 20 June 2011, with some sources indicating the figure to be as high as 185.[9] On 13 May 2011, the Secretary-General of the High Council for Human Rights of Iran acknowledged the high number of executions and attributed it to efforts to combat drug trafficking.[10] The authorities add that the Islamic Republic of Iran only executes major traffickers and those who are repeat offenders, and in some cases those executed have committed other serious crimes. On 2 February 2011, the High Commissioner for Human Rights publicly expressed alarm at the dramatic increase in executions since the beginning of 2011 and called upon the Islamic Republic of Iran to institute a moratorium on executions, with a view to abolishing the death penalty. Furthermore, the Special Rapporteur on extrajudicial, summary or arbitrary executions, jointly with the Special Rapporteur on the independence of judges and lawyers, warned in a public statement of a dramatic surge in death sentences that were carried out in the absence of internationally recognized safeguards. The Government maintains that all legal proceedings and requirements are completed in drug-related cases.

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[6] Ibid., 6 June 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1782037&Lang=P.

[7] Ibid., 1 June 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1780000&Lang=P.

[8] Ibid., 18 May 2011. Available from www.isna.ir/isna/newsview.aspx?id=news-1770495&lang=p.

[9] According to Amnesty International, at least 135 persons were executed between 1 January and 27 April 2011; reports suggest that 40 other executions have taken place (see http://www.amnesty.org/en/news-and-updates/sharp-rise-public-executions-iran-executes-first-juvenile-offenders-2011-2011-04-27).

[10] Official news, Press TV, 13 May 2011. Available from www.presstv.com/detail/179641.html.

11. The Special Rapporteur on extrajudicial, summary or arbitrary executions sent a number of communications to the Iranian authorities, expressing concern at the pattern of executions, affecting both Iranians and foreign nationals. He noted with deep concern that the death penalty continues to be imposed for non-serious crimes and that trials do not comply with due process safeguards. In a communication dated 26 January 2011, the Special Rapporteur noted that at least 147 persons, most of them convicted on drug-related charges, had been executed between October 2010 and January 2011. Several cases involved foreign citizens of countries such as Ghana, Nigeria and the Philippines, whose consular representatives were allegedly informed after the executions had been carried out. The Human Rights Committee has determined that a wide range of offences, including drug-related crimes, fall outside the scope of the "most serious crimes" for which the death penalty may be imposed (see A/HRC/4/20, para. 51). The High Commissioner for Human Rights and special procedures mandate holders also wrote to the Iranian authorities on the application of death penalty in sexually oriented offences such as sodomy.

12. A new anti-narcotics law was passed in December 2010 and came into force on 4 January 2011. Article 18 provides for the death penalty for drug traffickers and major traders and also foresees punishment such as a travel ban ranging from 1 to 15 years for carrying or smuggling any quantity of drugs.[11] The Deputy Prosecutor General for Legal Affairs noted that the new anti-narcotics law had many flaws and shortcomings which warranted a review.[12] Despite this, the judiciary continued to warn of a stricter approach in dealing with drug trafficking and stressed that drug traffickers and major drug traders would face execution under the new law.[13] On 29 May 2011, the Tehran Prosecutor announced that death sentences had been issued for 300 persons convicted of drug-related crimes, including for some large-scale drug traffickers and ringleaders.[14] On 20 May 2011, the anti-narcotics police chief disclosed that over 11,000 persons had been arrested during the previous 70 days in connection with the sale, transportation, transit and consumption of crystal meth.[15]

13. The application of the death penalty on charges of *Moharebeh* (enmity against God) was again a focus of concern during the period under review. According to information received, over 20 persons, including Ali Saremi, Jafar Kazemi, Hussein Khezri and Mohammad Ali Haj Aghaei, charged with *Moharebeh* were executed during the reporting period and several received the death penalty following conviction on vaguely worded charges. In Iranian law, *Moharebeh* relates to the use of armed violence. While questioning the problematic and arbitrary nature of such charges, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern that despite repeated requests, the Government had failed to provide a precise and explicit definition for *Moharebeh*. He also raised concern with

[11] The penalty for trafficking and trading 30 grams of crystal meth, just like other psychedelic substances such as crack and heroin, are punishable by imprisonment, whereas the penalty for more than 30 grams is punishable by death.

[12] Semi-official news (ISNA), 4 March 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1727415.

[13] Official news, *Iran News Daily*; Semi-official news Fars, 29 December 2010; and Official judiciary news. Available from www.dadiran.ir/default.aspx?tabid=40&ctl=edit&mid=389&code=7697.

[14] Semi-official news (ISNA), 29 May 2011. Available from www.isna.ir/isna/newsview.aspx?id=news-1777767&lang=p.

[15] Ibid., 20 May 2011. Available from www.isna.ir/ISNA/newsView.aspx?id=news-1770578&lang=p.

regard to the compatibility of the imposition of the death penalty on such charges with the State's obligations under international law.

14. Some executions continued to be carried out in public. According to Iranian press reports, at least 25 persons, including two alleged juveniles, have been hanged in public since the beginning of 2011. On 29 May 2011, following the public execution of two persons, the Prosecutor General of Kermanshah stressed that execution in public is due to social exigencies and plays a pivotal role in the deterrence of crimes.[16] In her public statement of 2 February 2011, the High Commissioner for Human Rights condemned the recurrence of public executions. International human rights mechanisms have stated that executions in public add to the already cruel, inhuman and degrading nature of the death penalty and have a dehumanizing effect on the victim and a brutalizing effect on those who witness the execution.

C. Executions of juvenile offenders

15. The Secretary-General, the High Commissioner for Human Rights and several special procedures mandate holders continue to highlight execution of juvenile offenders as an area of grave concern. In his interim report to the Human Rights Council, the Secretary-General expressed deep concern at the recurrence of juvenile executions. At least two juveniles are reported to have been executed during the period under review. According to Amnesty International, this included the public execution of two juvenile offenders in Bandar Abbas on 20 April 2011, following their conviction for rape and murder, committed when they were under the age of 18. The imposition of the death penalty on individuals who commit crimes while under the age of 18 is a breach of both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a State party.

16. The Secretary-General of the High Council for Human Rights of Iran, Mr. Larijani, was quoted in the media as saying that although the age of criminal responsibility is below 18 years, judges have the discretion to assess the mental maturity of child offenders and to ascertain whether the accused has the ability to take responsibility for the act. However, when cases involving juvenile offenders are prolonged until the accused reaches 18 years, the risk of execution becomes higher. The Iranian authorities argue that priority is given to the rehabilitation of juvenile offenders and the return of children to normalcy and society. The judiciary decreed a non-binding moratorium on juvenile execution in 2005 and has often taken steps to mediate between the families in such cases, even assisting the convicted person financially to pay the *diyah* (financial compensation) settlement. The Government reports the establishment of a working group affiliated to the General Prosecutor's Office in Tehran, which includes social workers and other specialists who work to mediate such cases between families. It is hoped that this initiative will serve as a model for other provinces. The authorities also report that amended juvenile justice provisions, which are pending before the Guardian Council, replace all punishments for lesser crimes with educational and correctional measures.

[16] Official judicial news, 29 May 2011. Available from http://dadiran.ir/Default.aspx?tabid=62&ctl=Edit&mid=397&Code=8379.

17. During the period under review, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued a number of communications in response to information received regarding individuals who had been sentenced to death for crimes they had committed as juveniles. The High Commissioner for Human Rights also continued to intervene on individual cases through public statements and private representations with the Iranian authorities. For instance, in a letter to the Government on 13 January 2011, the High Commissioner expressed grave concerns about the death sentences handed down to Ehsan Rangraz Tabatabaaie and Ebrahim Hamidi, following their conviction on charges of *lavat*, or sodomy, for offences allegedly committed when they were minors.

D. Stoning as a method of execution

18. Although the application of the death penalty by stoning appears to be declining in the Islamic Republic of Iran, the judiciary continues to issue stoning sentences.[17] On 27 January 2010, a number of special procedures mandate holders[18] drew the attention of the Government to the case of Sareimeh Ebadi and Bu-Ali Janfeshani, who were sentenced to death by stoning, by a criminal court in Urmieh, West Azerbeijan province, on charges of adultery. During their trial, they were allegedly denied the right to select their own defence attorneys. The Appeals Court in West Azerbaijan reportedly upheld the death sentence. On 7 October 2010, the authorities, in a response to the special procedures mandate holders, reported that the case is presently under review by the Provincial Criminal Court of West Azerbaijan and no ruling had been issued.

19. The Iranian authorities maintain that execution by stoning for married persons who commit adultery, as prescribed in the Penal Code, serves as a deterrent in order to protect family and society and that such charges are, by design, very difficult to prove. At a judicial colloquium held in December 2010 (see paras. 48-51 below), the Secretary-General of the High Council for Human Rights of Iran argued that stoning should not be categorized as a "method of execution", but rather as a method of punishment, which he described as more lenient because 50 per cent of persons survive.

20. On 24 June 2010, several special procedures mandate holders,[19] in a joint communication, expressed concern at the imminent execution of Ms. Ashtiani, who has been facing death sentence by stoning for committing adultery. Ms. Ashtiani was convicted in 2006 of the murder of her husband, but was also charged with adultery while being married and was sentenced to death by stoning. She has already spent five years in prison and received 99 lashes. During the trial proceedings, the authorities arrested Javid Houtan Kiyan, her defence attorney, and

[17] At least 10 women and 4 men are at risk of execution by stoning. Amnesty International, "Iran executions by stoning", 23 December 2010. Available from http://www.amnesty.org/en/library/info/MDE13/095/2010/en.

[18] The Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on violence against women, its causes and consequences.

[19] The Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

Sajjad Qaderzadeh, her son, and also aired her confession on television, which raised serious concerns about the fairness of the trial proceedings. The Iranian authorities noted that despite the final verdict of the court upholding the stoning sentence, it has not been carried out.

E. Women's rights

21. The authorities highlight the increased representation of women in Parliament, local councils, senior Government and management positions, as well as higher education. The number of women in management positions in the Ministry of Education, for instance, is reported to have increased from 45 in 2005 to 482 in 2011. In the previous academic year, 390,306 girls were admitted to higher education, an increase of 2,700 per cent in three decades.

22. During the period under review, women's rights activists and female journalists and lawyers continued to face intimidation and harassment, and in some cases, detention or travel bans. The Special Rapporteur on violence against women, its causes and consequences sent a number of communications to the Iranian authorities, expressing concern at the persistent arrest of members of the Campaign for Equality, also known as the One Million Signatures campaign, along with female journalists and human rights defenders, which could be directly related to their work in defence of human rights. The authorities contend that activists working in the framework of the One Million Signatures campaign have failed to obtain the necessary legal permits, therefore their activities are considered illegal. In a joint communication on 22 March 2011, the Special Rapporteur raised concern over the arrest of Fataemeh Masjidi and Maryam Bidgoli, members of the One Million Signatures campaign, on 7 May 2009, while collecting signatures in the framework of the campaign. In a court hearing on 4 August 2010, they were charged with "spreading propaganda against the system and publication of materials in support of a feminist group opposed to the system" and sentenced to one year of imprisonment, which was later reduced to six months by an appeals court. Concerns were expressed that their arrest and detention was directly related to their work in defence of human rights, and about the risks faced by other members of the campaign. Furthermore, Maryam Bahrman, an Iranian women's rights activist and member of the One Million Signatures campaign was reportedly arrested on 11 May 2011 at her house in Shiraz and charged with national security offences. Ms. Bahrman's arrest appears to be linked to her work as a women's rights activist and her participation at the fifty-fifth session of the United Nations Commission on the Status of Women, in March 2011. Ms. Bahrman was reportedly one of the panellists in a civil society event organized by the Italian Association for Women in Development.

23. The Iranian authorities note that, according to Islamic rules and regulation, women are required to observe Islamic dress code in public places. On 9 May 2011, the commander of morality police forces disclosed that thousands of morality personnel had been deployed across the country to implement the moral security plan. He warned that the police would strictly monitor all public places, including vehicles, and take legal action against all those who breach morality codes.[20] Furthermore, female students are reportedly banned from wearing bright clothes,

[20] Semi-official news (ISNA), 9 May 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1763914&Lang=P.

having long nails or tattoos and also from wearing caps or hats without scarves, or tight or short jeans. The new code also bans male students from dying their hair, plucking eyebrows, wearing tight clothes, shirts with "very short sleeves" and jewellery. In December 2010, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations identified the prospect of forced early marriages as one of the underlying causes of runaway girls; discrimination in remuneration for men and women for work of equal value; and the lack of economic participation for trained and educated women, as areas of concerns directly affecting women.[21]

F. Rights of minorities

24. Restrictions on the overall enjoyment of human rights by unrecognized religious minorities, particularly the Baha'i community, remain of serious concern. In an addendum to his report to the Human Rights Council in February 2011 (A/HRC/16/53/Add.1), the Special Rapporteur on freedom of religion or belief expressed concern over the arrest and detention of members of the Baha'i community and the continued violations of their freedom of religion or belief. The ILO Committee of Experts on the Application of Conventions and Recommendations[21] noted the seriousness of the situation of unrecognized religious minorities, in particular the Baha'i, and expressed concern regarding religion-based discrimination against them which limited their access to education, universities and particular occupations in the public sector. The Iranian authorities argue that although Baha'ism is not recognized as a religion in the Islamic Republic of Iran, its followers enjoy social, civil and citizenship rights.

25. According to numerous reports, on 21 May 2011, security forces conducted raids on the homes of individuals involved in the activities of the Baha'i Institute for Higher Education and arrested 15 of its members in various cities, including Gohardasht, Isfahan, Karaj, Sari, Shiraz, Tehran and Zahedan. The whereabouts and status of the detainees remain unknown. The Institute has been subject to consistent raids since its establishment in 1980. On 4 June 2011, a State news agency quoted a statement from the Ministry of Science and Technology, declaring the activities of the Institute to be illegal and all diplomas and degrees issued by that institution to be lacking legal validity.[22]

26. In August 2010, seven other Baha'i community leaders, who had been detained in May 2008 and produced for a trial in January 2010, were sentenced to 20 years in prison, which was subsequently reduced to 10 years. In March 2011, the court, however, reportedly reinstated the original prison sentence of 20 years. The High Commissioner for Human Rights has raised this case several times in letters to and meetings with the Iranian authorities, expressing deep concern that these trials did not meet the requirements of due process and fair trial. The authorities report that the seven were convicted on a combination of private complaints and national security charges and not in relation to their beliefs.

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[21] ILO Committee of Experts on the Application of Conventions and Recommendations, December 2010. Available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_151556.pdf.

[22] Semi-official news (ISNA), 4 June 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1780417.

27. Reports continue to be received about Christians, in particular converts, being subjected to arbitrary arrest and harassments. On 30 December 2010, a number of special procedures mandate holders[23] signed an urgent appeal drawing the attention of the Government to the arrest of two Protestant pastors, Behrouz Sadegh-Khanjani and Yousef Nadarkhani, on charges of apostasy. Mr. Sadegh-Khanjani was reportedly arrested in June 2010 and charged with apostasy, blasphemy and contact with the enemy. Mr. Nadarkhani has been in prison since October 2009 and is charged with apostasy and evangelism. In September 2010, he was found guilty and sentenced to death. Although an appeal was filed in December 2010, Mr. Nadarkhani continues to be at risk of execution.

28. The Committee on the Elimination of Racial Discrimination, after considering the combined eighteenth and nineteenth periodic reports of the Islamic Republic of Iran in August 2010, expressed concern at the limited enjoyment of political, economic, social and cultural rights by, inter alia, Arab, Azeri, Baloch and Kurdish communities and some communities of non-citizens, in particular with regard to housing, education, freedom of expression and religion, health and employment, despite the economic growth in the country. The Committee drew particular attention to reports regarding the application of the "gozinesh" criterion, a selection procedure requiring prospective State officials and employees to demonstrate allegiance to the Islamic Republic of Iran and the State religion, and expressed concern that it might limit employment opportunities and political participation for members of Arab, Azeri, Baloch, Jewish, Armenian and Kurdish communities (see CERD/C/IRN/CO/18-19).

G. Freedom of peaceful assembly and association and freedom of opinion and expression

29. Throughout the period under review, there were many cases of human rights defenders, lawyers, journalists, bloggers and individuals who expressed critical views being arrested, detained and sentenced to heavy punishments. In an addendum to his report to the Human Rights Council in May 2011 (A/HRC/17/27/Add.1), the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted with concern the restrictions imposed in law and practice on freedom of expression and opinion in the Islamic Republic of Iran. He identified the application of certain vaguely worded provisions in the Islamic Penal Code[24] as major constraints that restrict the right to freedom of expression and carry disproportionate sentences, including flogging and imprisonment.

30. At least 27 journalists were reportedly imprisoned, with several of them receiving harsh sentences and other penalties. Ahmad Zeidabadi, a prominent journalist and the Laureate of the 2011 United Nations Educational, Scientific and

[23] Chair-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteur on freedom of religion or belief and Special Rapporteur on extrajudicial, summary or arbitrary executions.

[24] Such as enmity against God, propaganda against the system, colluding against the security of the system, insulting Islamic sanctities and leaders of the country, insults against the President, distribution of pictures and materials intended to mock sanctities, cooperation with hostile States by participating in anti-revolutionary conferences and establishment of anti-revolutionary media.

Cultural Organization/Guillermo Cano World Press Freedom Prize,[25] is currently serving six years in prison. Mr. Zeidabadi was arrested following the 2009 presidential elections and charged with "propaganda against the system" and "conspiring to create public turmoil" and sentenced to six years of imprisonment, five years of exile and a lifetime ban on political, social and journalistic activity as well as writing and speaking. On 13 June 2011, Fariborz Rais-Dana, an Iranian economist who criticized subsidy cuts by the Government, was sentenced to one year in prison. According to ISNA, Mr. Dana was charged with "illegal membership in a Writers' Association, preparation of press releases for seditionists, statements against the regime, interviews with the BBC and VOA, and accusing the Islamic Republic of prisoner abuse".

31. The ongoing crackdown has also impacted on the film industry, with well-known filmmakers subjected to harassment, arrest and, in some cases, prosecution. The internationally acclaimed filmmaker, Jafar Panahi, whose case attracted considerable international attention, was sentenced to six years of imprisonment, coupled with a 20-year ban on film-making, film-writing, travelling abroad and giving interviews to domestic and international media. Mr. Panahi was arrested in March 2010 and charged with collusion and propaganda against the system.[26] Another filmmaker, Mohamed Rasoulof, was sentenced to six years in prison on charges including collusion and assembly, and propaganda against the system.[27]

32. The ongoing curbs on the media have also affected print media, weblogs and websites. On 12 June 2011, IRNA reported that the Iranian press supervisory board had banned a weekly, *9 Deh*.[28] On 22 November 2010, *Chelcheragh*, a reformist weekly was allegedly banned for publishing articles contradictory to public morals.[29] Also in August 2010, the newspaper *Asia*, known for its criticism of the Government's economic plans, was banned. The authorities note that press freedom is guaranteed under the Constitution and 1986 Press Law and that press-related offences are tried in an open, specialized Press Court, where journalists enjoy the right to legal defence.

33. A number of prominent human rights defenders were arrested, charged with national security offences and convicted disproportionately to heavy sentences and travel bans. Others, including their family members, have faced intimidation and harassment. On 23 November 2010, the High Commissioner for Human Rights publicly expressed concern about the situation of human rights defenders in the Islamic Republic of Iran and encouraged the Government to fully guarantee freedom of expression and assembly and to open up greater space for human rights lawyers and activists. The Special Rapporteur on the situation of human rights defenders has sent a large number of communications to the Iranian authorities concerning the situation of human rights defenders in the Islamic Republic of Iran.

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[25] United Nations Educational, Scientific and Cultural Organization, "Statement by Ahmad Zeidabadi, Laureate of the 2011 UNESCO/Guillermo Cano World Press Freedom Prize", 3 May 2011. Available from www.unesco.org/new/en/media-services/single-view/news/statement_by_ahmad_zeidabadi_laureate_of_the_2011_unescoguillermo_cano_world_press_freedom_prize.

[26] Semi-official news (ISNA), 10 January 2011. Available from www.isna.ir/isna/newsview.aspx?id=news-1691741&lang=p and www.isna.ir/isna/newsview.aspx?id=news-1677747&lang=p.

[27] Ibid., 20 December 2011. Available from www.isna.ir/isna/newsview.aspx?id=news-1677747&lang=p.

[28] Available from www.irna.ir/NewsShow.aspx?NID=30429638.

[29] Semi-official news (ISNA), 22 November 2011. Available from http://isna.ir/isna/newsview.aspx?id=news-1660287.

34. The case of Nasrin Sotoudeh, a prominent human rights lawyer involved in defending many high profile cases, received considerable international attention. Ms. Sotoudeh was arrested on 4 September 2010 and charged with "acting against national security", not wearing *hijab* (Islamic dress) during a videotaped message, "propaganda against the system", and for being a member of the Centre for Human Rights Defenders, established by Shirin Ebadi, the Nobel Laureate. The case against her is widely believed to be linked to her work as a human rights defender. On 8 January 2011, she was sentenced to 11 years in jail, and to a 20-year ban on practising law and leaving the country. In May 2011, the judiciary called for the cancellation of her lawyer's permit. While confirming Ms. Sotoudeh's sentence, the authorities note that the judgment is still subject to appeal. On 16 January 2011, Reza Khandan, the husband of Ms. Sotoudeh, who has publicly campaigned for fair treatment for his wife, was summoned for questioning by the authorities and charged with spreading lies and disturbing public opinion. Mr. Khandan was released after posting $50,000 bail, but remains at risk of further sanctions by the authorities. In addition to the High Commissioner's public statement, the Deputy High Commissioner for Human Rights wrote to the Government, highlighting concerns about the cases of Ms. Sotoudeh and other human rights activists.

35. A new law on the establishment and supervision of non-governmental organizations is currently under review by the Parliament. The draft bill risks severely restricting the independence of civil society organizations and impeding the activities of a wide range of actors, including human rights defenders, women's rights activists, teachers and trade associations. Under the draft law, prior permission from the "supreme committee", the creation of which is foreseen under the bill, would be required for all non-political demonstrations and contacts with international organizations. The provisions of the bill, as drafted, would unduly restrict the rights to freedom of association and peaceful assembly set out in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party.

36. A number of opposition parties have had their licenses suspended, and some leaders have reportedly been barred from travelling outside the country. The press has reportedly been directed not to publish items about opposition leaders, and requests by such leaders to hold rallies have frequently been turned down. Opposition leaders Mir Hussein Mossavi and Mehdi Karoubi, who sought permission from the authorities to stage a rally on 14 February 2011 in solidarity with the protesters in Egypt, have been under house arrest since mid-February 2011, and have been prevented from any contact with the outside world.

37. The authorities add that all public gatherings require permits under the law, but during the past year there were further reports of freedom of assembly being restricted and excessive force being used against demonstrators. On 14 February 2011, when opposition supporters rallied in Tehran in solidarity with the protesters in Egypt, security forces were deployed to prevent the rally, triggering clashes that left at least two persons dead and several others injured. Following the clashes, the judiciary repeatedly threatened opposition leaders with prosecution for their role in the political unrest and called for measures to be taken against them. On 18 February 2011, the High Commissioner for Human Rights expressed her deep regret about the deaths of protesters in the Islamic Republic of Iran and her concern at remarks made by some Iranian parliamentarians calling for the execution of

opposition leaders. The High Commissioner stressed the importance of dialogue with political opponents in creating a stable society.

38. According to numerous reports, a number of Ahvazi Arabs, commemorating a "Day of Rage" on 15 April to mark the anniversary of the demonstrations in Ahvaz in 2005, were killed and scores were injured during a protest in the south-western province of Khuzestan. A large number of people, including women, were also arrested in the lead up to and during the protests, which the authorities argue was an illegal gathering with the aim of disturbing public order and security. The communications system, including the Internet, was restricted to impede the flow of information and security forces were heavily deployed. Live ammunition and tear gas were reportedly used during the protests, inflicting casualties on protesters, although the authorities deny that allegation. Furthermore, on 2 April 2011, scores of Iranian Azerbaijanis, who during a peaceful demonstration had been calling for the environmental protection of Lake Urmieh, were arrested by security forces. The authorities argue this was an illegal gathering intended to disturb public order. Reports were also received of people being prevented from attending funerals and other religious rituals and gatherings during the period under review. On 29 December 2010, the authorities prevented assemblies marking the deaths that occurred in 2009 following the presidential elections, and arrested a number of people. On 2 June 2011, Haleh Sahabi, the daughter of the deceased leader of the nationalist-religious coalition, Ezzatollah Sahabi, died of a heart attack during her father's funeral, reportedly following a confrontation with security forces.[30]

H. Lack of due process rights

39. The International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party, stipulates due process and fair trial guarantees. Many fair trial safeguards are also provided for in the State's Constitution and legal framework. The special procedures mandate holders continued to express grave concern with regard to the failure to respect the due process rights of detainees. Concerns were specifically voiced about allegations of the widespread use of torture and ill-treatment of detainees in detention, the use of solitary confinement, the detention of individuals without charges, incommunicado detention and the lack of access to lawyers. On 7 October 2010, a group of special procedures mandate holders[31] issued a communication expressing concern at the heavy sentence handed down to a journalist, Hussein Derakhshan, who had spent over a year in detention without charges, including solitary confinement for nine months, and who was prevented from receiving visits by family and lawyers. Complaints were also received that confessions obtained through coercive methods during pre-detention had been admitted in court proceedings, and verdicts had been reportedly issued in the absence of defence lawyers. Trials were also reportedly delayed due to the authorities' failure to transport detainees to the courtroom for hearings.

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[30] Semi-official news *Aftab*, 12 June 2011. Available on www.aftabnews.ir/vdcjvhevouqe8vz.fsfu.html and www.aftabnews.ir/vdcip3azwt1arz2.cbct.html.

[31] The Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

40. Reports received also suggest prison overcrowding and congestion, particularly due to the increased numbers of drug-related cases. The Director General of prisons in Kermanshah disclosed an increase of 29 per cent in the prison population and stated that due to high density and congestion, a prison with a capacity of 650 inmates had to accommodate 4,750 inmates.[32] The Iranian judiciary has acknowledged that the conditions in prisons are unsatisfactory and has requested an increased budget to improve them.[33] The authorities note that reforms in the prison management system have also led to the upgrading of solitary confinement facilities, which are only used in rare cases.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Establishment of a special procedure mandate by the Human Rights Council

41. On 24 March 2011, the Human Rights Council adopted resolution 16/9 on the situation of human rights in the Islamic Republic of Iran, establishing the mandate of a Special Rapporteur. In the resolution, the Human Rights Council mandated the Special Rapporteur to report to the Council and the General Assembly and called upon the Government of the Islamic Republic of Iran to cooperate fully with the mandate holder and to permit access to visit the country as well as provide all information necessary to allow the fulfilment of the mandate. On 17 June 2011, Ahmed Shaheed of Maldives was appointed as the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The Iranian authorities have questioned the appointment of the Special Rapporteur as politicized, selective and unacceptable and warned that the Special Rapporteur will not be allowed to visit the country.[34] On 21 July 2011, the spokesman of the Ministry of Foreign Affairs was quoted by Iranian media as saying that the appointment of a Special Rapporteur on the Islamic Republic of Iran was a political and illegal move, and the Government would not allow the envoy to enter the country under any circumstances.

B. Cooperation with the United Nations human rights treaty system

42. In addition to the ratification of five major United Nations human rights treaties[35] on 21 September 2010, the Islamic Republic of Iran signed the Optional

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[32] Semi-official news (ISNA), 28 December 2010. Available from www.isna.ir/ISNA/newsview.aspx?id=news-1682497.

[33] Semi-official news (IRNA), 9 May 2011. Available from www.irna.ir/NewsShow.aspx?NID=30377305.

[34] Semi-official news *Tehran Times*. Available from www.tehrantimes.com/index_View.asp?code=243356 and www.presstv.ir/detail/186662.html.

[35] The Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

43. On 4 and 5 August 2010, the Committee on the Elimination of Racial Discrimination considered the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, which were due in 2006 (CERD/C/IRN/18-19). The Committee noted the various positive developments that have taken place in the Islamic Republic of Iran, including the approval of the Law on Citizenry Rights, in 2005, the amendment of the Fourth Development Plan, which allows budget allocations and a percentage of oil and gas revenues for the development of less developed provinces, particularly inhabited by disadvantaged ethnic groups, and the country's active engagement with the international community on human rights issues, such as its initiative on promoting dialogue among civilizations. The Committee expressed concerns, however, at reports of racial discrimination in everyday life and statements of racial discrimination and incitement to hatred by Government officials. It noted that women of minority origin may be at risk of facing double discrimination. The Committee noted that the International Convention on the Elimination of All Forms of Racial Discrimination had never been invoked by domestic courts and expressed its concern at reports of discriminatory treatment of foreign nationals in the Iranian justice system. The Committee encouraged the Islamic Republic of Iran to consider ratifying those international human rights treaties that it had not yet ratified.

C. Cooperation with the United Nations special procedures

44. The Islamic Republic of Iran issued a standing invitation to all thematic special procedures mandate holders in June 2002. In 2003 and 2005, six mandate holders visited the country, but there have been no visits by any mandate holders since 2005. In their response to the report, the Iranian authorities noted that they have been planning to invite two Special Rapporteurs to visit the country in 2012.

45. The Special Rapporteur on torture first requested an invitation in 2005, and yearly reminders have been sent ever since, most recently in December 2010. Requests for visits were also made by the Special Rapporteur on the right to food, in February 2011, the Special Rapporteur on freedom of opinion and expression, in February 2010, the Special Rapporteur on the independence of judges and lawyers, in 2006 (reiterated in her communication reports of both 2009 and 2010), the Independent Expert on minority issues, in 2008 (who sent a reminder in October 2010), and the Special Rapporteur on freedom of religion or belief (who reiterated his wish to conduct a country visit in a communication report in February 2011). All the requests remain outstanding.

46. Special procedures mandate holders sent a total of 38 communications to the Islamic Republic of Iran in 2010, of which 36 were urgent appeals while 2 were allegation letters. The Iranian authorities responded to 13 communications sent in 2010.

47. The Iranian authorities, in particular the Ministry of Foreign Affairs, members of Parliament, the judiciary and armed forces, reacted strongly to the appointment of the new Special Rapporteur and warned that the Islamic Republic of Iran will not grant him access to the country. On 17 July 2011, the Secretary-General of the High

Council for Human Rights of Iran, Mr. Larijani, described the appointment of the Special Rapporteur as a unilateral measure that lacks logical meaning.

D. Cooperation with the Office of the United Nations High Commissioner for Human Rights

48. As highlighted in the Secretary-General's interim report to the Human Rights Council, on 1 and 2 December 2010, the Office of the High Commissioner for Human Rights and the Judiciary of the Islamic Republic of Iran conducted a judicial colloquium in Tehran. This event built on ongoing contacts between OHCHR and the Iranian judiciary since 2007. The High Council for Human Rights of the Islamic Republic of Iran co-chaired the event.

49. The colloquium was attended by three international experts: Kamal Hossain of Bangladesh, Walter Kaelin of Switzerland, and Aisha Shujune Muhammad of Maldives — along with OHCHR staff. Several judges of the Supreme Court, the Court of Appeals and the Revolutionary Courts, as well as officials from the prison system and correctional institutions, participated on the Iranian side.

50. The topics of the colloquium were human rights issues related to the administration of justice, in particular safeguards for persons upon arrest and in pretrial detention, fair trial and due process rights during the trial phase, and conditions of imprisonment post-conviction, including the prevention of torture. The meeting also reviewed relevant experiences and resources with regard to training and professional development of the judiciary.

51. The discussions among the participants addressed a wide range of issues, with considerable attention paid to various elements of fair trial procedures in the light of the main element of general comment No. 32 of the Human Rights Committee on article 14 of the International Covenant on Civil and Political Rights. The discussions also touched on pretrial investigation, arrest procedures, issuance of warrants, judicial review and supervision of investigations, time limits for temporary detention, notification and communication with families, access to lawyers, the role of prosecutors vis-à-vis judges, the right not to be coerced into making self-incriminatory statements and confessions, the supervision of places of detention and separation of pretrial detainees from convicted prisoners, prison conditions, protection needs of women prisoners, and children with women in detention, as well as judicial training and in-service professional development. The experts noted the safeguards provided in the State's Constitution, as well as executive directives since passed as law, but also considerable ambiguity in the laws and lack of clarity in their implementation.

52. On 24 February 2010, the Islamic Republic of Iran officially invited the High Commissioner for Human Rights to visit the country, which the High Commissioner accepted for 2011, but requested that a working-level mission be allowed to visit the country in advance to prepare for her visit. On 24 January 2011, the Secretary-General of the High Council for Human Rights wrote to the High Commissioner inviting such an advance mission, planned at the time of writing of the present report.

IV. Conclusions and recommendations

53. Once again, the present report highlights many areas of continuing concern for human rights in the Islamic Republic of Iran. The Secretary-General has been deeply troubled by reports of increased numbers of executions, amputations, arbitrary arrest and detention, unfair trials, torture and ill-treatment and, in particular, the crackdown on human rights activists, lawyers, journalists and opposition activists.

54. The Secretary-General encourages the Government of the Islamic Republic of Iran to address the concerns highlighted in the report and the specific calls for action found in previous resolutions of the General Assembly and in the universal periodic review process. The Secretary-General notes the important and constructive role the human rights lawyers and activists play in protecting human rights and encourages the Government to fully guarantee freedom of expression and assembly and to open up greater space for their independent work.

55. With regard to other concerns identified in the report, the Secretary-General notes that the authorities have taken some positive steps, for instance, to prevent stoning as a method of execution or to limit the application of the death penalty to juvenile offenders. The Secretary-General expresses concern, however, that these measures have not been systematically enforced and cases of this nature continue to arise. He encourages the Government to revise national laws, in particular the Penal Code and juvenile justice laws, to ensure compliance with international human rights standards and to end these forms of the death penalty and other punishments, which are prohibited under international law. The Secretary-General calls upon the Islamic Republic of Iran to institute a moratorium on executions with a view to abolishing the death penalty.

56. The Secretary-General welcomes the recent signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and calls upon the Government to ratify other international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which remains pending. He also urges the Islamic Republic of Iran to withdraw the reservations it made upon the signature and ratification of various human rights treaties, as recommended by the respective treaty bodies.

57. The Secretary-General welcomes the recent efforts of the Islamic Republic of Iran to update its periodic reporting to the human rights treaty bodies, and encourages it to act upon the concluding observations made in August 2010 by the Committee on the Elimination of Racial Discrimination with respect to discriminatory practices against women, ethnic and religious minorities and other minority groups.

58. Although the Government issued a standing invitation to special procedures mandate holders of the Human Rights Council in 2002, the Secretary-General regrets that no visit has taken place since 2005. The Secretary-General particularly encourages the Government to cooperate fully with the newly appointed Special Rapporteur on the situation of human rights

in the Islamic Republic of Iran and to issue an early invitation for him to visit the country, as well as provide all necessary information to enable the fulfilment of the mandate.

59. **The Secretary-General remains concerned about the low rate of replies to the large number of communications sent by the special procedures mandate holders, alleging very serious human rights violations, and calls upon the Government to strengthen its collaboration with the Human Rights Council in this particular area. The Secretary-General underscores the valuable contribution that special procedures mandates can make to monitoring and reporting on the human rights situation in the Islamic Republic of Iran, as well as facilitating technical assistance in relevant areas. The Secretary-General looks forward to the proposed visit of the High Commissioner for Human Rights to the country and urges the authorities to give her unrestricted access to civil society and persons of concerns and to seize this opportunity for a substantive dialogue on the concerns raised in the present report.**